

**Town of Underhill
Development Review Board Minutes
April 17, 2017**

Board Members Present:

Charles Van Winkle, Chairperson
Shanie Bartlett
Matt Chapek
Mark Green
Penny Miller
Stacey Turkos

Staff/Municipal Representatives Present:

Andrew Strniste, Planning Director

Others Present:

Robert Stone (11 Doon Road, Underhill, VT)
C. Wallace Stone (11 Doon Road, Underhill, VT)
Todd MacKenzie (2 Krug Road, Underhill, VT)
Robert Lair (8 Acer Ridge Road, Underhill, VT)

6:30 PM – 03/20/2017 DRB Public Meeting

- DRB Members convened at Town Hall at 6:30 PM.
- [6:36] Chair Van Winkle called the meeting to order.
- [6:37] Chair Van Winkle asked for public comment. No public comments were provided.
- [6:40] Chair Van Winkle asked for a motion to adopt the Rules of Procedure, as amended April 4, 2017. Board Member Chapek made a motion to adopt the Rules of Procedure, as amended April 4, 2017. Board Member Miller seconded the motion. The motion was approved unanimously.
- [6:41] Chair Van Winkle asked a motion to approve the minutes of April 3, 2017. Board Member Chapek made a motion to approve the minutes of April 3, 2017, which was seconded by Board Member Green. The motion was approved unanimously.

**6:42 PM – Stone Preliminary Subdivision Hearing
11 Doon Road (D0011)**

Docket #: DRB 16-07

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- [6:42] Chair Van Winkle began the meeting by explaining the procedure for a preliminary subdivision review hearing. The applicant's representative, Robert Stone, was before the Board to discuss the preliminary subdivision application on behalf of the land owner, C. Wallace Stone, pertaining to the proposed subdivision at 11 Doon Road in Underhill, VT. No interested parties attended the hearing.
 - [6:44] No conflicts of interest were present, and therefore, no recusals occurred. Those who would be providing testimony were sworn in by Chair Van Winkle.
 - [6:45] Board Member Miller inquired about Exhibits X, Y, & Z.
 - [6:46] Applicant Robert Stone explained that his father is subdividing a lot for him and his family, which would allow them to construct a single-family dwelling along Irish Settlement Road. He continued to explain that he would be sharing access to Irish Settlement with the lot located at 516 Irish Settlement Road. R. Stone then explained that the field across Irish Settlement naturally drained onto the proposed lot via a culvert that transverses Irish Settlement Land. Chair Van Winkle confirmed that onsite water would be provided by a drilled well, while the onsite wastewater would be by a conventional in-ground system. R. Stone proceeded to explain that he preferred the shared access way rather than two driveways, and at a later point in time, that he wished to rent out the single-family dwelling on 516 Irish Settlement Road. While not part of the review, the Board agreed that activity on Lot 1 could factor into their decision. A brief discussion ensued between R. Stone and

Board Member Miller regarding the scope of the wastewater permit as well as accessory structures. The Board identified that the lot does not meet the frontage requirements of the Rural Residential District; however, this requirement could be waived under § 8.6.A.2.a. C. Wallace Stone advised that the property had to remain under 3.6 acres due to a provision in a land contract they had with the Town, and increasing the frontage requirement could cause the lot to exceed the acreage limitation.

- [6:47] The Board briefly discussed the Underhill-Jericho Fire Department's recommendations. R. Stone explained that he would like to keep the proposed utilities underground. Board Member Chapek confirmed that if need be, the utilities could be placed in the shared driveway right-of-way.
- [7:00] Board Member Miller inquired about stormwater management and erosion control during construction. Chair Van Winkle explained that requiring the applicant to obtain a State permit did not make sense, and that he did not see there being a substantial impact on the environment near the proposed development; however, the Board could require the applicants to conform with best practices. Staff Member Strniste identified that the Board originally had concerns about the lack of a culvert running parallel to Irish Settlement Road under the driveway. The Board then began a discussion about the existing culverts in the area. W. Stone explained that the culvert identified as "poor condition" had rocks that were blocking the outflow; however, it was working fine, and that the Town would have to maintain it since the culvert was in the right-of-way. R. Stone then explained that due to the nature of the drainage of the proposed lot, there would be no reason to request a culvert under the driveway.
- [7:07] Staff Member Strniste advised the Board that a shared maintenance agreement was not provided. Chair Van Winkle explained that this was a typical request from the Board that outlines the ongoing maintenance plan of the shared infrastructure.
- [7:10] Board Member Miller inquired about the plat identifying the curb cut only, and not illustrating the driveway, with a similar request about building envelopes and well shields/septic isolation districts. Chair Van Winkle confirmed that the Board was not conducting a site plan review hearing; however in their decision, the Board could ask that the plat contain a note such as "the locations of the driveway and house are representative only." He continued to explain that when the building footprint or driveway are material to the decision, then the Board usually locks down those locations. Chair Van Winkle confirmed that the applicant would have to show the actual isolation zone and well shield on the site plan that is to be submitted for final subdivision review.
- [7:18] Chair Van Winkle opened the hearing up to the public, which no one was present for. He next asked if the Board had enough information to make a decision on the application, which the Board answered in the affirmative. The Board took a straw vote, which was unanimously in favor of the applicant. Board Member Green made a motion to enter into deliberative session, which was seconded by Board Member Miller. The motion was approved unanimously. The Board provided the applicants an overview of the schedule going forward.

**7:27 PM – Davis/Rade Holdings LLC, Conditional Use Hearing
1 Pleasant Valley Road (PV001)**

Docket #: DRB 17-06

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- [7:27] Board Member Green began the meeting by explaining the procedure for a conditional use review hearing. Peter Davis, on behalf of Rade Holdings, LLC, attended the meeting via Skype for a conditional use permit to convert a mixed-use structure containing retail space and two apartments to a mixed-use structure containing retail space and three

apartments located at 1 Pleasant Valley Road. Two members from the public were also in attendance. Chair Van Winkle recused himself from the Board due a conflict of interest. Board Member Green coordinated the meeting.

- [7:33] Board Member Green swore in the hearing's participants.
- [7:36] Mr. Davis provided a background on the project, explaining that he was proposing to convert approximately half of the current retail space to a two-bedroom apartment, and that no exterior changes were to be made. Staff Member Strniste advised that the Regulations did not provide any guidance regarding the rounding of parking requirements, and therefore, the applicant could be required to provide seven (7) parking spaces or nine (9) parking space depending on how the regulations were interpreted. Mr. Davis stated that there were two areas for parking, one on the west side of the building and a paved lot on the east side (side closest towards Town Hall). Board Member Miller asked Staff Member Strniste if he thought the eastern parking lot should be striped, which he answered in the affirmative. Board Member Miller then confirmed with Mr. Davis that there are two means of egress for the first floor apartment, which will also include an entrance light.
- [7:45] Board Member Miller advised the applicant that there could be a potential issue with the dimensions of his proposed handicapped parking space, as it is likely undersized and would not accommodate a van. Mr. Davis then confirmed that the designated handicapped space was for the apartment and not the retail space. Board Member Miller then followed up by stating the State permit may require the handicapped parking space. Staff Member Strniste advised the Board that the parking requirement may be dependent on the type of business utilizing the space. Mr. Davis stated that he looks to enter into an agreement with a bakery.
- [7:47] A discussion ensued about the proposed maintenance agreement, specifically in regards to trash removal. Board Member Green stated his belief that some type of responsibility should be put on the landlord in the event that the tenants were not disposing their trash. Board Member Miller asked Mr. Davis if he would be providing trash dumpsters for tenants to dispose of their trash during the week. Mr. Davis confirmed that there was currently curb side pick up. Board Member Green reiterated that he would like to see the maintenance agreement amended to put responsibility on the landlord in the event trash was not being disposed in a responsible manner.
- [7:56] Board Member Miller advised the Board that if the hearing was not continued or the application was not denied, then the current hearing would be the one time to extract the needed information to make a decision on the application. She then discussed how the current lot configuration provides two access points where the Road Ordinance only allows for one. Staff Member Strniste advised the Board of § 5.5, which allows the Board to waive any requirements of site plan review and conditional use review that they find does not apply.
- [7:59] The Board discussed the parking issue in more depth. Specifically, in regards to the two parking spaces on the west side of the building. Board Member Chapek stated his concern of tenants cutting across Mr. Lamphere's property. Staff Member Strniste advised that Mr. Lampere would have to consent, where Board Member Bartlett stated that that issue would be more of a private landowner dispute. Board Member Chapek suggested angling the parking for the two parking spaces on the west side of the building. Board Member Miller stated that she would be comfortable with the parking issue as she is aware that residents had parked off street along Green Street prior to the country store closing. She continued to state that she liked the idea of enlarging the handicapped parking space and angling the two spaces on the west of the building.

- [8:04] Mr. Davis stated that the bakery's hours will be during the day when the tenants will be gone and therefore, the residential tenant parking spaces can be used for customers of the commercial tenant; however, Board Members Turkos and Bartlett disagreed citing scenarios such as stay-at-home parents. Board Member Chapek reiterated his sentiment of allowing off-site parking. Board Member Miller stated that the proposed project requires the same amount of parking spots as what was already existing. She continued to state that she did not think the Board should approve the site plan as presented.
- [8:12] Mr. Davis stated that he would agree to use lights that shine down that were motion censored, but was reluctant to provide dumpsters to the tenants.
- [8:17] Staff Member Strniste explained his recommendation of allowing him to make an administrative determination about any required signs at a later date.
- [8:18] Mr. Todd Mackenzie was invited to provide public comment. He stated that he was thankful that Mr. Davis was keeping a viable entity like the old country store, but was looking for clarification regarding: 1) questions pertaining to the entrance near parking spaces 5 & 6 (on the site plan); 2) questions pertaining to the bulk head door near the bike rack; and 3) questions regarding the lighting source, and whether it would be on overnight light and controlled by the tenant. Mr. Mackenzie also commented that the applicant should use the State guidelines for light pollution. Board Member Miller asked about the goose neck light and whether the signage would be lit at night. Mr. Davis responded that signs would only be lit during the hours of operation and that the lights would be on the sides of the building.
- [8:25] Mr. Robert Lair was invited to provide public comment. He expressed support for the project as this retail space was a big part of his life growing up. He explained that he believed the smaller retail space will be better suited for renting, and was a better alternative to a four-bedroom multi-family residence because the loss of the retail space would be a loss for the community. Mr. Davis explained that the proposed tenant will be obtaining the requisite State permits and that the bakery will not be a sit-down restaurant.
- [8:32] Board Member Green asked what were to happen with the State permits if the retail business were to change. Mr. Davis explained that the change of the retail business would have no effect on permits like water/wastewater. A brief discussion ensued about trash removal. Staff Member Strniste reinforced Board Member Green's earlier comment that the responsibility between the landlord and tenant is different from the responsibility between the landlord and the Town. He continued to explain that the Town could require the landlord to ultimately be responsible, and how the landlord enforces the lease is not of the Town's concern. Board Member Chapek asked if the applicant could have a staging area in the garage for trash, and Mr. Davis answered yes.
- [8:35] Board Member Green asked the Board if they had enough information to make a decision about the application, which the Board answered in the affirmative. The Board took a straw vote, which was 5-0 in favor of the applicant.
- [8:37] Board Member Green asked for a motion to move into closed deliberative session. Board Member Chapek made a motion to move into closed deliberative session, which was seconded by Board Member Bartlett. The motion was approved unanimously.

8:46 PM – Other Business

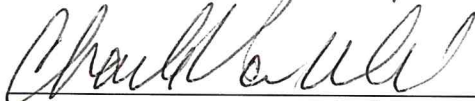
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- [8:46] A brief discussion ensued about application preparedness.
 - [8:51] The Board briefly discussed the Stone application.

- [8:55] Staff Member Strniste inquired with the Board if they thought they could handle the Burroughs Preliminary Subdivision application in addition to the Piney Grove Subdivision Amendment application on May 22.
- [8:59] Chair Van Winkle and Staff Member Strniste provided an overview of the Piney Grove application as well as the upcoming schedule, which will include site visits on May 15 at both the Burroughs' property and the Piney Grove Subdivision.
- [9:10] Staff Member Strniste inquire about a potential applicant requesting a wastewater permit before filing an application for a variance.
- [9:20] Chair Van Winkle asked for a motion to adjourn. Board Member Bartlett made a motion to adjourn. Board Member Miller seconded the motion. Motion approved unanimously.

Submitted by:

Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 04/17/2017 meeting of the DRB were accepted
this 1 day of May, 2017.



Charles Van Winkle, Chairperson